



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,040	04/02/2004	Jordan L.K. Schwartz	MSFT122099	2243

26389 7590 02/20/2008  
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC  
1420 FIFTH AVENUE  
SUITE 2800  
SEATTLE, WA 98101-2347

EXAMINER
----------

SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
----------	--------------

2178

MAIL DATE	DELIVERY MODE
-----------	---------------

02/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/817,040	SCHWARTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phenuel S. Salomon	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the amendment filed on December 06, 2007.
2. Claims 1, 5, 7-12, 17, 20, and 21 are amended; claim 16 is canceled; claims 22-26 are new and Claims 1-15 and 17-26 are now pending.
3. The objections to the specification have been withdrawn pursuant to applicant's amendment.
4. The rejection of claims 1-21 under 35 U.S.C. 103 (a) as being anticipated by Smith (US 5,721,853) in view of Gargi (US 6,915,489 B2) has been withdrawn as necessitated by amendment.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 12-15, 17-19 and 23-26 are rejected under 35 U.S.C. 102(b) as being unpatentable over Mernyk (US 6,496,206 B1).

Claims 12 and 21: Mernyk discloses a method and a computer readable medium, comprising:

Art Unit: 2178

obtaining a predetermined maximum number of icons for which thumbnail data will be pre-cached (col. 2, lines 61-67), independent of the number of icons displayed (at least one icon relating to a file retained in the folder is displayed) (col. 3, lines 3-10);

pre-caching thumbnail data associated with at least one icon and up to the predetermined maximum number of icons, the thumbnail data representative of content of an associated object, and the icons displayed in a viewable interface (col.2, lines 61-67) and col. 4, lines 30-35); and

displaying the pre-cached thumbnail data associated with a displayed icon when an indicator is hovered substantially over the icon (col. 2, lines 67-69).

Claim 13: Mernyk discloses a method as in claim 12 above, wherein pre-caching includes pre-caching thumbnail data associated with at least a plurality of icons, the pre-cached thumbnail data being available for substantially instantaneous rendering at the moment the indicator is hovered substantially over one of the plurality of icons having associated pre-cached thumbnail data (col. 4, lines 26-28)

Claim 14: Mernyk discloses the method according to claim 13 above, wherein the thumbnail data is pre-cached in volatile memory (col. 5, lines 31-41).

Claim 15: Mernyk discloses the method according to claim 13 above, wherein only thumbnail data for icons currently displayed in an operating environment are pre-cached (col. 4, lines 30-35).

Claim 17: Mernyk discloses a system, comprising: an arrangement for pre-caching thumbnail data associated with at least one icon and representative of content of an associated object, the arrangement further for displaying the pre-cached thumbnail data associated with the at least one icon when an

Art Unit: 2178

indicator is hovered substantially over the at least one icon (col. 2, lines 61-69) wherein the thumbnail data and the icon are different (col. 4, lines 63-67 and col. 5, lines 1-5).

Claim 18: Mernyk discloses the system as in claim 17 above, wherein the arrangement includes a volatile memory for pre-caching the thumbnail data (col. 5, lines 31-41).

Claim 19: Mernyk discloses a system as in claim 18 above, wherein the arrangement includes a computer system a personal digital assistant, a pocket computer, and a wireless phone. (col. 1, lines 7-10).

Claim 23: Mernyk discloses the method of claim 12 above, wherein the predetermined maximum number of icons for which thumbnail data will be pre-cached is less than the number of icons displayed (col. 6, lines 15-18).

Claim 24: Mernyk discloses the method of claim 23 above, wherein the displayed icons for which thumbnail data will be pre-cached are chosen based in part on the icon first hovered over by an indicator (fig. 2).

Claim 25: Mernyk discloses the method of claim 24 above, wherein the displayed icons for which thumbnail data will be pre-cached are chosen based in part on their displayed location in relation to the displayed location of an icon first hovered over by an indicator (fig. 2) [the thumbnail will always be displayed in the vicinity or within a certain range of the icon associated with the file].

Art Unit: 2178

Claim 26: Mernyk discloses the method of claim 25 above, wherein the displayed icons for which thumbnail data will be pre-cached are chosen based in part on being displayed in the vicinity of the displayed location of an icon first hovered over by an indicator (col. 5, lines 16-20).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,721,853) in view of Gargi (US 6,915,489 B2) and in further view of Mernyk (US 6,496,206 B1).

Claims 1 and 20: Smith discloses a method and computer readable medium, comprising:

sensing the presence of an indicator in a vicinity of an icon having associated thumbnail data representative of content of an associated object (col. 4, lines 45-51), but does not explicitly disclose

rendering a view of at least a portion of the thumbnail data, the view rendered in the vicinity of the icon. However Gargi discloses a cursor in contact with an image triggers the display of file information regarding the image and the information associated with..” (col. 5, lines 40-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Gargi’s file information display in Smith. One would have been motivated to do so in order to reduce the tediousness of browsing through the display information of memory-stored items; such as image either files from a photograph library or opened computer desktop windows.

Art Unit: 2178

Furthermore modified Smith does not disclose superimposed; However, Mernyk disclose a thumbnail such as shown in fig. 2 appears essentially immediately after the cursor touches the icon in question (col. 4, lines 26-28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include superimposed in Smith. One would have been motivated to do so in order to enable a user to quickly identify the basic contents of a file which is displayed as an icon.

Claim 2: Smith, Gargi and Mernyk disclose a method as in claim 1 above, Smith further discloses pre-caching thumbnail data associated with at least one icon (col. 2, lines 46-47) [a user interface navigational metaphor that is always available to the user].

Claim 3: Smith, Gargi and Mernyk disclose a method as in claim 2 above and claim 13 below, Smith further discloses pre-caching the thumbnail data includes storing the thumbnail data in volatile memory (fig. 1) [a computer system with a memory device].

Claim 4: Smith, Gargi and Mernyk disclose a method as in claim 2 above, Smith further discloses rendering includes retrieving the pre-cached thumbnail data associated with the icon (col. 4, lines 49-51) [moving the pointer into the area defined by GDE will cause the collar to be displayed].

Claim 5: Smith, Gargi and Mernyk disclose a method as in claim 4 above, Mernyk further discloses rendering of the superimposed view occurs substantially immediately after sensing the indicator (col. 4, lines 26-28).

Art Unit: 2178

Claim 6: Smith, Gargi and Mernyk disclose a method as in claim 2 above, Smith further discloses thumbnail data associated with a plurality of icons are pre-cached (fig 3a) [movement of the mouse pointer into the quadrant labeled “Tool Bar” results in the display of a secondary interface].

Claim 7: Smith, Gargi and Mernyk disclose a method as in claim 6 above, Smith further discloses number of icons that include thumbnail data being pre-cached is a predetermined maximum number of icons (fig. 3a). [a plurality of icons being displayed].

Claim 8: Smith, Gargi and Mernyk disclose a method as in claim 7 above, Smith further discloses the predetermined maximum number of icons is a predetermined maximum number of icons located in an area situated in the region of the icon the indicator is in the vicinity of (fig. 3a) [a plurality of icons being displayed in the vicinity of the mouse pointer].

Claim 9: Smith, Gargi and Mernyk disclose a method as in claim 8 above, Smith further discloses predetermined maximum number of icons is greater than one icon and less than or equal to a total number of icons viewable within an environment the icon is displayed in (fig. 3a) [a plurality of icons being displayed are greater than one icon].

Claim 10: Smith, Gargi and Mernyk disclose a method as in claim 7 above, Smith further discloses predetermined maximum number of icons is the number of icons having associated thumbnail data viewable within an environment the icon is displayed in (fig. 3a, item 302d) [a plurality of icons being displayed with associated data].



Art Unit: 2178

Claim 11: Smith, Gargi and Mernyk disclose a method according to claim 1 above, Mernyk further discloses the superimposed view rendered is rendered within a window displayed in a graphical user interface (see fig. 2).

Claim 22: Smith, Gargi and Mernyk the method of claim 1 above, Mernyk further discloses the icon and the rendered view of the thumbnail data are different (col. 4, lines 63-67 and col. 5, lines 1-5).

### *Response to Arguments*

9. Applicant's arguments filed on 06/12/2007 have been fully considered but they are moot in view of new ground (s) of rejection.

### *Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2178

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kobayashi et al. (US 6,938,215 B2) discloses display apparatus and methods, and recording medium for controlling same.


b. Jaaskelainen, Jr. (US 5,835,088) discloses method and apparatus for providing programmable window-to-window focus change within a data processing system using GUI.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272 4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS  
2/14/2007

  
Stephen Hong  
Supervisory Primary Examiner